THE HON'BLE SRI JUSTICE N.V. RAMANA

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Writ Petition No.24365 of 2001

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Dated: 28.02.2006

Between:

Ayesha Begum, W/o Mohd. Moizuddin Siddiqui, School Assistant, Khulq Memorial Boys Town Upper Primary School (Urdu Medium), Misri Gunj, Hyderabad.

..... PETITIONER

AND

The Government of A.P., rep. By its Secretary to Government, Education (PS) Department, Secretariat Buildings, Hyderabad and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

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Writ Petition No.24365 of 2001

Order:

By this writ petition, the petitioner seeks a direction to the respondents to appoint her in the aided post of Secondary Grade Basic Training Teacher (for short “SGBT”) in respondent No.4-School.

The petitioner states that she joined as School Assistant in respondent No.4-School

in an unaided post on 08.10.1987. Pursuant to G.O. Ms. No. 411, dated 10.11.1994 issued by the Government sanctioning three aided posts i.e., two SGBT posts and one Urdu Pandit Grade-II post, to respondent No.4-School, her name was proposed by respondent No.4-School for appointment to SGBT post, which was rejected by respondent No.3. Aggrieved by the same, respondent No.4-School preferred an appeal to the Commissioner and Director of School Education. Thereafter, there was endless correspondence in the matter between the respondent Nos.1 to 3 and respondent No.4-School, but so far no decision is taken. Assailing the inaction of the respondents in not appointing her in the aided post, the petitioner filed the present writ petition.

Respondent Nos.1 to 3 filed counter affidavit. As can be seen from the counter averments, it is clear that the petitioner has been working as School Assistant in respondent No.4-School in unaided post since 08.10.1987 and pursuant to G.O. Ms. No. 411, dated 10.11.1994, respondent No.4-School sent proposals for appointment of petitioner in SGBT post to the District Educational Officer, who by order dated 28.03.1995 rejected the same stating that her absorption as SGBT is nothing but a reversion from School Assistant. Aggrieved by the same, the Correspondent of respondent No.4-School made an appeal before the Commissioner and Director of School Education, who by letter dated 11.03.1999 informed that the District Educational Officer is the competent authority for approval of appointment in unaided vacancy prior to issue of G.O. Ms. No. 524, dated 20.12.1988 and since the petitioner's appointment was prior to issuance of said G.O., he requested to take necessary action at the District Educational Officer level as per the Rules. Subsequently, the District Educational Officer submitted a detailed report dated 28.10.1999 to the Commissioner and Director of School Education requesting him to take a decision in the matter of absorption of the petitioner in aided post as it involved financial commitment, but so far no orders have been received from him.

Having regard to the facts and circumstances of the case and in view of the averments made in the counter affidavit that so far no orders have been received from the Commissioner and Director of School Education on the report dated 28.10.1999 submitted by the District Educational Officer, without going into the merits of the matter, I deem it appropriate to dispose of the writ petition with the following direction.

The Commissioner and Director of School Education is directed to consider the

report dated 28.10.1999 submitted by the District Educational Officer and pass appropriate orders thereon in accordance with law as expeditiously as possible.

With the above direction, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: 28.02.2006

Nsr/Ksr